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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 * * *

11 Donald E. Mitchell, Jr.,

12 Plaintiff,

13 v.

14 State of Nevada Ex Rel, et al.,

15 Defendants.

Case No. 2:17-cv-00986-JAD-BNW

ORDER

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17 Presently before the Court are Plaintiff's motions for transcripts at the government's
18 expense. (ECF Nos. 37, 38.) These motions appear to be the same and ask the Court to provide
19 the complete record and three transcripts at the government's expense for Plaintiff's appeal. (*See*
20 *id.*) Plaintiff cites no authority upon which the Court could or should grant his motion.

21 Nonetheless, the Court observes that "[p]roduction of the transcript at government
22 expense for an appellant in forma pauperis in a civil case is proper under 28 U.S.C. § 753 if a trial
23 judge certifies that the appeal is not frivolous and presents a substantial question. 28 U.S.C.A. §
24 753(f) (West Supp.1990)." *McKinney v. Anderson*, 924 F.2d 1500, 1511 (9th Cir. 1991) (reversed
25 on other grounds). Here, as in *McKinney*, the Court is unable to determine if the appeal is
26 frivolous because Plaintiff does not say anything about what issues he seeks to appeal. *See id.* at
27 1511-12. Accordingly, the Court will deny Plaintiff's motions without prejudice.
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1 IT IS THEREFORE ORDERED that Plaintiff's motions for transcripts at the government's
2 expense (ECF Nos. 37, 38) are DENIED without prejudice.

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4 DATED: August 25, 2020

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7 BREND A WEKSLER
8 UNITED STATES MAGISTRATE JUDGE
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